

REMARKS

Claims 1 and 3 through 9 are pending in this Application. Claims 1 and 9 have been amended and claim 10 cancelled. Care has been exercised to avoid the introduction of new matter. Specifically, the limitations of claim 10 have been incorporated into claim 1, claim 10 cancelled, and claims 1 and 9 amended to address formalistic issues raised by the Examiner. Applicants submit that the present Amendment does not generate any new matter issue.

Claim Objections.

The Examiner objected to claims 1 and 9, and the claims dependent thereon, asserting that silicon is not an insulating film, hence the expression “a silicon insulating film” is objectionable.

In response the expression “a silicon insulting film” has been changed to “a silicon-containing insulating film”, thereby addressing the issue raised by the Examiner and overcoming the stated bases for the imposed objections. Accordingly, withdrawal of the objection to claims 1 and 9, and the claims dependent thereon, is solicited.

Claims 1 and 3 through 10 were rejected under the second paragraph of 35 U.S.C. § 112.

In the statement of the rejection the Examiner asserted that the expression “said gate insulating film” in claims 1 and 9 lacks antecedent basis. This rejection is traversed.

In response the expression “said gate insulating film” has been replaced by “said silicon-containing insulating film”, which does not run afoul of any antecedent basis issue.

Based upon the foregoing Applicants submit that the imposed rejection of claims 1 and 3 through 10 under the second paragraph of 35 U.S.C. § 112 has been overcome and, hence, solicit withdrawal thereof.

Claims 1 and 3 through 8 were rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Kim et al.

This rejection is traversed. Indeed, this rejection has been rendered moot by incorporating limitations from claim 10, not being subject to a prior art rejection, into claim 1. As apparently recognized by the Examiner, Kim et al. neither disclose nor suggest a device as defined in independent claim 1 comprising, *inter alia*, shoulder portions formed in the portions of the semiconductor substrate defining the side faces of the first and second trenches.

Applicants, therefore, submit that the imposed rejection of claims 1 and 3 through 8 under 35 U.S.C. § 102 for lack of novelty as evidenced by Kim et al. is not factually viable and, hence, solicit withdrawal thereof.

Based upon the foregoing it should be apparent that the imposed objections and rejections have been overcome, and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

Application No.: 10/617,667

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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